Supreme Court, U.S.
FILED
95-T043 DEC 17 1995

NO_____

IN THE

SUPREME COURT OF THE UNITED STATES

SPRING TERM, 1994

CORNELIUS VELDHUIZEN,

Petitioner

vs..

UNITED STATES OF AMERICA,

Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

CORNELIUS VELDHUIZEN
Petitioner, In His Own Person
Route 1, Box 6
Woodstock, Mn 56186

10 pp

QUESTION PRESENTED

Whether the Eighth Circuit Court of Appeals can deny petitioners appeal from the District Court of Minnesota as untimely taken, because petitioner did not receive orders from Clerk of Court in a timely manner in order to file an appeal within the time frame from the date of the judgements. Petitioner could not have filed a timely appeal until he received orders from the clerk of court.

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PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Petitioner Cornelius Veldhuizen respectfully pray that a writ of certiorari issue to review the judgement and opinion of the United States Court of Appeals for the Eighth Circuit, entered in the above-entitled proceeding on September 20, 1993.

OPINIONS BELOW

The opinion of the Court of Appeals upon which review is sought. That ruling held that the appeal be dismissed for lack of jurisdiction as appeal was untimely taken.

JURISDICTION

The opinion of the Court of Appeals was entered on September 20, 1993 (App. A, p. 1a). The Court's jurisdiction is invoked under 28 U.S.C. 1254(1). Jurisdiction of the District Court was invoked under 28 U.S.C. 1331, 1343 and 1346. Jurisdiction of the Court of Appeals was invoked under 28 U.S.C. 1292.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution Article VI, 2. Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. Under Amendments to the Constitution, Amendment I, to petition the government for a redress of grievances. Amendment V, nor be deprived of life, liberty, or property, without the due process of law. Amendment IX, The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

STATEMENT OF THE CASE

This appeal involves issues that were not raised in the District Court before the first time on appeal.

The Petitioner fired his attorney after losing his case in the District Court. The court date was changed from February 28, 1992 to February 27, 1992 without petitioner being notified of that change, when petitioner

called his attorney as to the court case the attorney told him that the hearing was held this morning.

The District Court Clerk did not send petitioner a copy of the two orders of the court dated February 16, 1993 and April 2, 1993 until August 10, 1993, so the appeal could not have been filed before this time. Petitioner's former attorney failed to send a copy of these orders to petitioner. Appeals court denied right of appeals based on untimely appeal.

By what law can this foreclosure be valid under Federal Law or State Law if the United States of America uses State Contract Law then they have to follow the total and complete Statue Law on contracts to make them and to foreclose on the contract if the contract is under Federal Law, then the United States of America can not foreclose under Minnesota State Statue Contract Law.

The United States of America cannot violate the contract under U.C.C. 3-302 and U.C. C. 3-305.

The sheriff of Pipestone County, Ronald Smidt, did not have on the public record any document the day of the foreclosure sale, of any contract between himself and the United States of America to hold the sale. Did not have on the public record at the county recorders office at the time of the sheriff sale any documentation to prove that he had tried to serve Petitioner with the Notice of the Sheriff Sale.

Only after the case had been in court and the Sheriff Sale held, did Friedrich A.P. Siekert conspire with sheriff Ronald Smidt to file a false affidavit to the court stating that the sheriff's department had tried to serve Petitioner, which was a lie. This is treason and or seditious conspiracy.

Attorney, Mark Torell, filed the correct paper on the public record as to whom was ser-

ved the Notice of Foreclosure because there was not a document of Non Service by the sheriff on Petitioner the day of the sale because the Sheriff Department had never tried to serve Petitioner the Notice of Foreclosure.

Attorney, Mark Torell, did not file on the public record his contract between himself and the United States of America. A Minnesota private attorney cannot represent the United States of America in this foreclosure without a contract to do so.

Whereas fraud has been placed upon this court by people representing the United States of America in a unlawful foreclosure action.

CONCLUSION

The people representing the United States of America have tried to force a farmer from his land by lack of due process of law by fraud, filing of false documents by conspiring by treason and by not allowing discovery.

Petitioners constitutional rights under property, contract and due process of law were

violated by the Eighth Circuit of Appeals for refusing to hear this case. The Petition for Certiorari should be granted.

Dated: December 17, 1993

Respectfully submitted,

Cornelius Veldhuizen

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APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 93-3113MNMI

Cornelius Veldhuizen,	*	
	*	
Appellant,	*	Appeal from the
	*	United States
vs.	*	District Court
	*	for the District
United States of America,	*	of Minnesota
	*	
Appellee.	*	

JUDGMENT

The court has carefully reviewed the original file of the United States District Court and orders that this appeal be dismissed for lack of jurisdiction as the appeal was untimely taken.

September 20, 1993

A true copy.

ATTEST:

CLERK, U.S. COURT OF APPEALS,
EIGHTH CIRCUIT